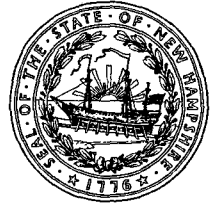




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
SP-05-09

October 28, 2005

James & Lynn Maiocchi
74 Hot Hole Pond Rd
Concord, NH 03301

RE: DES Wetlands File #2005-02554 74 Hot Hole Pond Rd, Concord

Dear Mr. and Ms. Maiocchi:

On October 18, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Concord Tax Map 120 as Lot 33 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800 and RSA 483-B, the Comprehensive Shoreland Protection Act (CSPA) NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection the following deficiencies were documented:

1. An area measuring approximately 40 feet by 20 feet along the immediate shoreline had the ground cover disturbed;
2. A tree stump was removed within 50 feet of the shoreline;
3. Shrubs and associated root systems were removed from the bank of Hot Hole pond.

In response, you are requested to take the following actions:

1. Immediately install silt fence along the shoreline and mulch the exposed soils to prevent the potential migration of sediment into Hot Hole pond and submit to DES photos documenting the work has been done within 10 days of the date of this letter.
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, or professional environmental consultant and include provisions for replanting the shoreline with native vegetation and stabilizing the exposed soils on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
 - f. A provision to delineate the wetlands within the restoration site after 5 full growing seasons and document the delineation with data forms and depict the delineation on a site plan.
3. Retain a qualified wetland scientist or professional environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Please be advised that removal of any stumps within 50 feet of the shoreline, located outside the building envelope for a primary residence is in violation of RSA 483-B, the Comprehensive Shoreland Protection Act and is a fineable offense, in accordance with Administrative Rule Env-C 611.06 (b).

If you plan to make any changes to the existing, non-conforming structure on the subject property, please submit a proposal to DES for an initial review, to determine compliance with RSA 483-B, the CSPA.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Letter of Deficiency #SP-05-09

October 28, 2005

Page 3 of 3

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please Jeffrey D. Blecharczyk at (603) 271-6876 or by email at jblecharczyk@des.state.nh.us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Collis G. Adams", is written over a large, bold, black "COPY" stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8424 3020

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Concord Conservation Commission
Concord Board of Selectmen
USACOE
Realty 1-Wells Real Estate